**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**LETTERS PATENT APPEAL NO.199 OF 2006**

**IN**

**REVIEW PETITION NO.115 OF 2006**

**IN**

**WRIT PETITION NO.9708 OF 2003**

Smt.Anusuya Maruti Pawar : Appellant.

versus

Bandu Ganu Pawar & ors. : Respondents.

Mr.Pankaj Das for the appellant.

**CORAM : D.G.DESHPANDE**

**SMT.R.S.DALVI, JJ.**

**DATED : DECEMBER 19, 2006.**

**P.C.**

1. Heard. Bandu Pawar - the original petitioner had filed the writ petition against

the order dated 20.12.2002 passed by the Administrator and Commissioner Konkan Division, Mumbai. That was an order in favour of Appellant-Smt.Anusuya in her appeal. In her appeal, Smt.Anusuya had challenged the order of the Deputy Collector. By that order, the Commissioner allowed her appeal and set aside the order dated 16.3.2002 of the Deputy Collector (ENC) Kurla-II. The Petitioner Bandu Pawar filed an application where the competent authority permitted him to file a civil suit for recovery of rent. He was granted that permission under the provisions of Slums Act. That order was challenged by Smt.Anusuya in her appeal.

2. The main contention of Smt.Anusuya was that the petitioner Bandu Pawar had earlier filed similar application but the Deputy Collector asked him to produce or obtain heirship certificate from the competent court, as there was a dispute about the heirs. He did not file it. Smt.Anusuya had already filed suit for heirship certificate but that was pending, and therefore, the contention of Anusuya in the appeal was that Bandu Pawar’s application was not maintainable as he has not complied with the

earlier directions and, the earlier directions given to him were not set aside. The appeal filed by Anusuya was rightly allowed by the Commissioner. Against that order original petitioner Bandu Pawar preferred writ petition. That came to be rightly disposed off by the Single Judge with direction to deposit the rental compensation with the Competent Authority and allow the petitioner Bandu Pawar to claim refund of that amount upon submission of his succession certificate. Anusuya had filed Review Petition against that order praying for dismissal of writ petition. That review petition was came to be rejected. Hence this LPA filed by Anusuya against the order dated 13/06/2006 passed in Writ Petition and order dated 26/07/2006 passed in her Review Petition.

. Since the issue of ownership or heirship was crucial and since the petitioner Bandu Pawar had not cared to obtain heirship certificate in spite of specific directions, the Single Judge has rightly passed the impugned orders while disposing off the petition. Even after filing the Review Petition by Anusuya nothing new could be brought out by her. Therefore, the Single

judge was justified in disposing off the writ petition of the petitioner Bandu Pawar and rejecting the review petition filed by the appellant Anusuya. Hence, no interference is called for. The Letters Patent Appeal is, accordingly, dismissed.

**[D.G.DESHPANDE,J]**

**[SMT.R.S.DALVI, J]**